

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KRISTINA L. ZINGG,
Plaintiff,
vs.
COMMISSIONER,
Social Security Administration,
Defendant.

Case No. 1:21-cv-01072-SI
ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Kristina L. Zingg brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act. Based on the stipulation of the parties, the Court reversed the Commissioner's decision and remanded the case for further administrative proceedings. The Commissioner subsequently found Plaintiff entitled to Social Security benefits beginning December 2016.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$11,821.07 in attorney's fees under 42 U.S.C. § 406(b), representing the difference between the full § 406(b) amount requested (\$20,002.00) and the amount of EAJA fees counsel has already received (\$8,180.93).

In accordance with agency policy, the Commissioner is instructed to make a direct payment of the award of \$11,821.07, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C., from benefits the Social Security Administration has withheld from Plaintiff's past due benefits. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 26th day of March 2024.



MICHAEL H. SIMON
United States District Judge

Proposed Order submitted by:
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